

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID AMBRIZ CRUZ, JR.,

Defendant.

CASE NO. CR13-5457BHS

ORDER

This matter comes before the Court on Defendant's third, unopposed motion for a continuance of the trial date and the pretrial motions deadline. The Court, having considered the unopposed motion, the affidavit of defense counsel in support of the motion and the Defendant's speedy trial waiver makes the following findings of fact and conclusions of law:

1. Unforeseen delays, outside the control of defense counsel, have made settlement of this case prior to March 11, 2014 no longer feasible.

2. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense, to explore resolution of this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

1 3. Proceeding to trial absent adequate time for the defense to prepare would result in a
2 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

3 4. The ends of justice served by granting this continuance outweigh the best interests of
4 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

5 5. Defendant waived speedy trial through July 31, 2014.

6 NOW, THEREFORE, IT IS HEREBY ORDERED

7 That the trial date is continued from March 11, 2014, to May 13, 2014, at 9:00 a.m.
8 Pretrial Conference is set for April 28, 2014, at 1:30 p.m. Pretrial motions are due by April 2,
9 2014. The resulting period of delay from February 28, 2014, to May 13, 2014, is hereby
10 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

11 Dated this 3rd day of March, 2014.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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